

RENTON CITY COUNCIL
Regular Meeting

June 14, 1999
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

KING PARKER, Council President; TIMOTHY SCHLITZER; RANDY CORMAN; TONI NELSON; BOB EDWARDS; KATHY KEOLKER-WHEELER; DAN CLAWSON.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; ZANETTA FONTES, Assistant City Attorney; BRENDA FRITSVOLD, Deputy City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUSAN CARLSON, Economic Development, Neighborhoods & Strategic Planning Administrator; BETTY NOKES, Economic Development Director; MICHAEL KATTERMANN, Director of Neighborhoods & Strategic Planning; DEREK TODD, Finance Analyst; LISA GRUETER, Senior Planner; JIM SHEPHERD, Community Services Administrator; COMMANDER CURTIS SMALLING, Police Department.

Council Minutes Correction

MOVED BY CORMAN, SECONDED BY PARKER, COUNCIL AMEND THE MINUTES OF 6/7/99 TO REFLECT THE PRESENCE OF TONI NELSON AT THE MEETING. CARRIED.

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL APPROVE THE MINUTES OF JUNE 7, 1999 AS AMENDED. CARRIED.

PROCLAMATIONS

National Flag Week:
June 14 - 20, 1999

A proclamation by Mayor Tanner was read declaring the week of June 14 - 20, 1999, to be "National Flag Week" in the City of Renton, and encouraging all citizens to celebrate our nation's symbol of unity, which stands for our country's devotion to freedom, and to equal rights for all. MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Councilmember Nelson thanked Boy Scout Troop 464 for raising the flags in downtown Renton to mark the holiday.

PUBLIC HEARINGS

Planning: Taco Time
Expansion (CC Zone
Amendments)

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the proposed Taco Time Convenience Commercial (CC) zone and Commercial/Industrial zone code amendments for its headquarters located on Maple Valley Highway near Monroe Ave. SE.

Lisa Grueter, Senior Planner, explained that on January 4, 1999, a Planning & Development Committee Minority Report was adopted by Council which directed staff to prepare amendments to add existing legal Administrative Headquarters Offices to the CC zone, allow for parking expansions, allow for a one-time 3,500 square foot addition, and allow for storage of supplies in conjunction with service and office uses.

Administrative Headquarters Offices are currently allowed in the Industrial, Center Downtown, Commercial Office, and Center Office/Residential Zones. The CC zone would be amended to allow existing Administrative Headquarters Offices as secondary uses. To help ensure that these amendments would be

limited to Taco Time's existing corporate office, expansion would only be allowed for existing Administrative Headquarters Offices that currently exceed 3,000 square feet and which exist as of January 1, 1999. With these amendments, new Administrative Headquarters Offices would not be allowed in the CC zone.

Turning to the accessory storage portion of the amendments, Ms. Grueter said that use of storage is allowed with retail sales in all the commercial zones and will be allowed in all industrial zones with the Valley Zoning Amendments. The proposed amendment would clarify that the accessory use of storage in conjunction with retail sales also allows for accessory storage associated with permitted service and office uses.

In conclusion, Ms. Grueter stated that staff recommends that a formal ordinance be prepared and coordinated with any sunset clause that may be recommended in the related development agreement. Staff additionally recommends that these amendments be approved along with other related ordinances at the time of the 1999 Comprehensive Plan Amendment adoption.

Councilman Schlitzer explained that including a sunset clause in the development agreement will act as a safeguard to prevent future expansion.

Councilman Edwards stated that although he did not feel that the expansion will have a negative effect on the surrounding area, he agreed with the use of a sunset clause.

Audience comment was invited.

Barbra Gilbert, 3624 SE 5th Pl., Renton, 98058, expressed her disappointment in the Council's decision to allow the expansion. Ms. Gilbert related the reasons why she felt the expansion should not be allowed, including: 1) The increased amount of storage allowed with the expansion might be used for food, thus attracting rats; 2) Concern that an affordable neighborhood will be turned into a commercial area; 3) A portion of the property currently being leased for the operation of a coffee stand could potentially be the site of a 5,000 square foot building; 4) An increase in the amount of trucks making use of the subject property; and 5) Concern that traffic will increase as a result of the expansion. She urged Council to reconsider its decision to allow the expansion.

Responding to Councilman Corman, Ms. Grueter said that building permits for the site were issued to the Taco Time Corporation in 1989 and construction was completed around 1990 or 1991.

Denise A. Carey, 3300 SE 5th St., Renton, 98058, said she has lived in the neighborhood since 1970. Agreeing with the Ms. Gilbert's comments, she stated that she is happy with the neighborhood the way it is.

Responding to Councilman Corman, Ms. Carey said that prior to the construction of the Taco Time Headquarters, there used to be a building at the site that served various purposes until it burned down.

Councilmember Keolker-Wheeler reiterated that she opposed the Taco Time expansion and recalled that Taco Time said they would not ask for an expansion when they obtained the original permits for the project.

Councilman Parker asked to see documentation regarding Taco Time's statement that they would not expand their business. Pointing out that the matter is a

private property issue, Mr. Parker said that if the property is zoned appropriately and meets all of the development criteria, the property owner should be able to expand as needed.

Referring to the use of a sunset clause, Councilmember Keolker-Wheeler noted that some projects currently being built were approved ten to twelve years ago even though the underlying zoning has changed in the meantime. Adding a sunset clause would avoid this situation with this project.

There being no further audience comment, it was **MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.**

Planning: Taco Time
Expansion (Development
Agreement)

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the proposed Taco Time development agreement for its headquarters located on Maple Valley Highway near Monroe Ave. SE.

Lisa Grueter, Senior Planner, described the site the development agreement would cover and explained that State law authorizes the City to enter into an agreement with the property owner. The agreement needs to be consistent with the City's development regulations; however, the agreement assumes adoption of the Convenience Commercial (CC) zone amendments previously discussed.

Continuing, Ms. Grueter explained that the agreement incorporates the Environmental Review Committee mitigation measures which are: 1) Limit height of future development to 35 feet; 2) Restrict access from SE 6th St.; 3) Require site plan review for any size development or redevelopment; 4) Require landscaping abutting or adjacent to residentially zoned property. She explained further that the landscaping improvements would be required to be installed at the time of any building demolition or expansion, or parking stall additions or reconfigurations.

Describing the terms of the agreement proposed by staff, Ms. Grueter recommended that a fixed sunset term be applied only to the building expansion which would be coordinated with the CC zone amendments. The remaining provisions of the agreement would run in perpetuity with the property and be reviewed periodically. In conclusion, Ms. Grueter said that pending Committee review, staff will prepare a resolution to be coordinated with the adoption of the 1999 Comprehensive Plan Amendments and CC zone amendments.

Responding to Councilman Edwards, Ms. Grueter explained that fencing would be installed where the property abuts a residential zone. Site obscuring landscaping would be applied to property adjacent to residentially zoned property, except where modifications should be allowed to ensure visibility.

Audience comment was invited.

Barbra Gilbert, 3624 SE 5th Pl., Renton, 98058, expressed her concern regarding the portion of property that is currently being leased to a coffee stand. She feared a larger commercial structure being built on that portion which, along with the Taco Time Headquarters building, would make for a intensive commercial area. Describing efforts by surrounding residents to improve their neighborhood, Ms. Gilbert reiterated that she is worried about the effect the subject project could have on the area. She urged Council to stop the expansion, adding that in a few years Taco Time could, once again, ask the City to approve

yet another expansion.

Denise A. Carey, 3300 SE 5th St., Renton, 98058, stated that since the subject property is not allowed access to SE 6th St., if more access points will be allowed onto Maple Valley Highway. She urged Council to look into how the development will affect traffic on Maple Valley Highway.

Councilman Corman said since there is nothing to prevent the consolidation of the various portions of the property, the City needs to be very clear on what the property will be used for.

Responding to Councilmember Keolker-Wheeler, Ms. Grueter pointed out the access points on the property, commenting that direct access is discouraged off of Maple Valley Highway.

Responding to Councilman Edwards, Ms. Grueter stated that the coffee stand portion of the site is currently zoned Convenience Commercial and a retail establishment of up to 5,000 square feet could be built on that portion. She explained that any development proposal would be subject to site plan review, landscaping provisions, and access restrictions.

Debbie Sheridan, 3300 Maple Valley Hwy., Renton, speaking as an employee of Taco Time, said that she has been unable to find any record of public comment at the time of the Taco Time Headquarters construction ten years ago. Addressing the question of storage, Ms. Sheridan emphasized that food is not stored on the premises and the company has no intention of doing so in the future.

Responding to Councilman Parker, Ms. Sheridan reported that trucks make deliveries to the Taco Time Headquarters but do not stay for extended periods. She thought that trucks may be parking on the vacant lot near the coffee stand.

Responding to Council inquiry, Ms. Sheridan stated that if the expansion is approved, Taco Time plans to improve the parking right away and expand the headquarters within five to seven years.

There being no further audience comment, it was **MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.**

Legal: Adult Retail Uses Moratorium

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider extending the moratorium on adult retail uses within certain geographical locations.

Mike Kattermann, Director of Neighborhoods & Strategic Planning, explained that the moratorium was initially imposed by Council in July of 1997, and has been renewed three times since then. He reviewed the conditions of the moratorium. To date, staff has been researching studies that have been done in similar jurisdictions around the country in terms of the effects of the uses on adjacent properties. Staff has also notified businesses that will potentially be affected by the proposed regulations.

Mr. Kattermann reported that an approach has been developed to amend the City's existing regulations. The moratorium extension is requested to give time for the public to review and comment on the draft ordinance and resolution. He mentioned also that environmental review is currently underway and the review period expires on July 1, 1999. In conclusion, staff recommends adoption of the resolution extending the moratorium for an additional six month period.

Audience comment was invited.

Heidi Carlson, 806 Index Ct. NE, Renton, 98056, stated that it has been two years since she started picketing the adult book store located in the Highlands. She expressed her appreciation of the City's work regarding this matter and asked that Council renew the moratorium.

Phillip Beckley, 655 Ferndale Ct. NE, Renton, 98056, echoed the previous speaker's comments and said that he was proud to be associated with the City.

There being no further audience comment, it was MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL SUSPEND ITS RULES AND ADVANCE TO THE RESOLUTION REGARDING THE ADULT RETAIL USES MORATORIUM EXTENSION. CARRIED.

Resolution #3396

Legal: Adult Retail Uses
Moratorium

A resolution was read declaring a moratorium on the permitting of adult book stores, as defined, within specific geographical areas, establishing a public hearing date, and establishing a termination date of 12/14/99 for the moratorium. MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL SUSPEND ITS RULES AND ADVANCE TO THE COMMITTEE OF THE WHOLE REPORT ON THE SUBJECT OF ADULT RETAIL USES. CARRIED.

Committee of the Whole

Legal: Adult Retail Uses
Moratorium

Council President Parker presented a report regarding adult retail uses. The Committee of the Whole received a briefing on the status of the Administration's efforts to revise City Code regarding the regulation of adult book and video stores, also known as "adult retail uses." A set of draft ordinances has been prepared for public review and comment. The Committee recommended that the Council set a date of June 28, 1999, for a public hearing on the draft ordinances. The Committee further recommended that the issue of whether to allow these uses along SW 16th St. and I-405 in the Valley, and the administrative appeal process, be referred to the Planning and Development Committee. MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1999 and beyond. Items noted included:

- * To help maintain sufficient blood supplies in the community, the City is holding a summer blood drive on Wednesday, June 16th, at Renton City Hall.
- * The Human Services Advisory Committee is in the process of reviewing 33 applications received for the year 2000 funding. The estimated amounts available are \$57,783 for Community Development Block Grant human services, \$241,914 for capital projects, and \$200,300 from the General Fund.

CONSENT AGENDA

CAG: 99-064, 1999 Street
Overlay, M.A. Segale

Items on the consent agenda are adopted by one motion which follows the listing.

City Clerk reported bid opening on 6/08/99 for CAG-99-064, 1999 Street Overlay; four bids; engineer's estimate \$562,883.70; and submitted staff

recommendation to award the contract to the low bidder, M.A. Segale, Inc., in the amount of \$611,092.50. Council concur.

CAG: 99-066, Shattuck Ave S
Stormline Replacement, D.A.
Zuluaga Construction

City Clerk reported bid opening on 6/08/99 for CAG-99-066, Shattuck Ave. S. stormline replacement; ten bids; engineer's estimate \$52,921.87; and submitted staff recommendation to award the contract to the low bidder, D.A. Zuluaga Construction, Inc., in the amount of \$47,833.96. Council concur.

CAG: 99-068, SW 27th St
Culvert Replacement, Scoccolo
Construction

City Clerk reported bid opening on 6/09/99 for CAG-99-068, SW 27th St. Culvert replacement; 11 bids; engineer's estimate \$717,832.00; and submitted staff recommendation to award the contract to the low bidder, Scoccolo Construction, Inc., in the amount of \$591,863.81. Council concur.

Latecomer: 99-002, Gelvezon
Auto Repair (Elvis Gelvezon)
for waterline improvements,
SW 12th St

City Clerk submitted request from Elvis Gelvezon, 16203 - 122nd Ave. SE, Renton, 98055, for a latecomer agreement for waterline improvements to serve Gelvezon Auto Repair at 619 SW 12th St., Renton. Refer to Utilities Committee.

Community Event: River Days
Permit Fee Waivers & Banner
Installation

Executive Department requested waiver of permit fees for 1999 Renton River Days activities endorsed by the Renton River Days Board of Directors. Staff additionally seeks authorization to install River Days banners on City light poles from June 28 through August 15. Council concur.

Public Works: Skyway
Coordinated Water System
Plan (1999 update), CAG-99-

Water Utility Division recommended approval of an agreement between Renton and nine other purveyors within Skyway's critical water supply area for the 1999 update of the Skyway Coordinated Water System Plan. Refer to Utilities Committee.

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

CORRESPONDENCE

Citizen Comment: McCaffree –
Seattle City Light Power Line
Access Fee, Shelton Ave NE

An electronic mail was read from Terra McCaffree, Shelton Ave. NE, Renton, 98056, requesting that Renton ask Seattle City Light to waive the access fee it proposes to charge residents along Shelton Ave. NE for use of an existing power line easement. MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL REFER THIS MATTER TO THE UTILITIES COMMITTEE and the ADMINISTRATION. CARRIED.

OLD BUSINESS

Finance Committee

Transportation: Six-Year TIP,
1999-2004

Finance Committee Chair Edwards presented a report regarding the 1999 budget amendments for Transportation Improvement Projects (TIP). The Committee recommended the 1999 mid-year budget adjustments associated with the 1999-2004 Six-Year TIP go to public hearing on June 21, 1999. The ordinance increases the appropriation in Fund 317 by \$11,769,233 and increases the appropriation of Fund 305 by \$180,968. The Committee further recommended that the ordinance be presented for first reading after the public hearing. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance: Vouchers

Finance Committee Chair Edwards presented a report recommending approval of Claim Vouchers 171267 - 171892 and three wire transfers in the total amount of \$3,255,797.53. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Development Services: New
Single Family Dwelling at 308
Factory Ave N

Councilmember Keolker-Wheeler asked if the Administration has looked into the matter regarding a single family house being constructed between Factory Ave. N. and Factory Pl. N. which has access only off of the alley located between these streets. Mayor Tanner replied that a permit was issued for the house in

question, saying that it was an administrative decision that permitted the construction.

ORDINANCES AND RESOLUTIONS

Resolution #3397

Transportation: Agreement with WSDOT for ramp metering, CAG-99-

The following resolution was presented for reading and adoption:

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement with the State of Washington entitled "A Renton-WSDOT Understanding to Manage Transportation." MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

AUDIENCE COMMENT

Citizen Comment: Gilbert - Renton Government Access Channel 28

Barbra Gilbert, 3624 SE 5th Pl., Renton, 98058, commented that Renton's Governmental Access Channel 28 and the monthly publication "CitySource" offer very useful information regarding City and community matters.

EXECUTIVE SESSION

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL ADJOURN INTO EXECUTIVE SESSION FOR 47 MINUTES TO DISCUSS PROPERTY ACQUISITION. CARRIED. Time: 9:03 p.m.

The meeting reconvened at 9:50 p.m.; roll was called; all Councilmembers present.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL ADJOURN. CARRIED. Time: 9:51 p.m.

BRENDA FRITSVOLD, Deputy City Clerk